

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Michael Hanson

v.

Civil No. 11-cv-534-PB

Stephen Church, Superintendent
Rockingham County Department of
Corrections

O R D E R

Before the court is Michael Hanson's motion for court-appointed counsel (doc. no. 20). Hanson states that he is unable to afford counsel, and that although he has limited access to legal materials, he is "wholly unprepared" to pursue this action pro se. Hanson asserts that he has been unable to find an attorney to consult with him about possible representation.

There is no absolute constitutional right to free legal representation in a civil case. See King v. Greenblatt, 149 F.3d 9, 14 (1st Cir. 1998). Rather, appointment of counsel in a civil case is left to the discretion of the court. See 28 U.S.C. § 1915(d). An appointment of counsel would be warranted in a case where the indigent litigant can show that "'exceptional circumstances were present such that a denial of counsel was likely to result in fundamental unfairness impinging

on [plaintiff's] due process rights.'" King, 149 F.3d at 14 (quoting DesRosiers v. Moran, 949 F.2d 15, 23 (1st Cir. 1991)).

In the case at hand, Hanson has failed to establish the existence of such exceptional circumstances. Despite Hanson's assertions to the contrary, he has thus far been able to present his claims coherently in this court and respond to the court's orders appropriately. There is no reason at this time to believe that Hanson will be unable to adequately represent himself in this matter. Accordingly, Hanson's motion for appointment of counsel (doc. no. 20) is DENIED without prejudice to Hanson renewing his request should circumstances warrant.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'Landya B. McCafferty', is written over a horizontal line. The signature is stylized with a large, looped initial 'L' and a long horizontal stroke extending to the right.

Landya B. McCafferty
United States Magistrate Judge

Date: January 17, 2012

cc: Michael Hanson, pro se

LBM:jba